

CRIMINAL AND ADMINISTRATIVE AGENCY INVESTIGATIONS

A. Criminal and administrative agency investigations (115.371)

1. All allegations of sexual abuse and sexual harassment will be investigated. Allegations which may be criminal in nature will be referred to the Lynchburg Police Department (LPD).
2. Administrative investigations will be investigated by the PREA Coordinator or other LRJDB/LYGH staff who have received specialized training to conduct such investigations.
3. The LPD shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data and will interview alleged victims, suspected perpetrators, any witnesses and will review prior complaints and reports of sexual abuse involving the suspected perpetrator.

Internal/administrative investigations

1. Administrative investigations shall be conducted promptly, thoroughly, and objectively. All allegations shall be investigated including third-party and anonymous reports.
2. Where sexual abuse is alleged, the facilities shall use investigators who have received special training in sexual abuse investigations. Allegations that are potentially criminal in nature will be referred to the Lynchburg Police Department.)
3. At their discretion, The Department of Juvenile Justice may also conduct a separate individual investigation of the allegations.
4. The LRJDC/LYGH will not terminate an investigation solely because the source of the allegation recants the allegation.
5. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as a detainee/resident or staff. Detainee/resident who alleges sexual abuse won't have to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such allegation.
6. Administrative Investigations:
 - a. Will include an effort to determine whether staff actions or

- failures to act contributed to the abuse,
 - b. Will be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings;
 - c. Investigations will be documented per DJJ incident form requirements and by a trained investigator. Investigation requirements include;
 - i. Description of the physical and testimonial evidence;
 - ii. The reasoning behind credibility assessments;
 - iii. Investigative facts and findings.
7. Written reports of administrative investigations shall be retained as long as the alleged abuser is incarcerated or employed by the agency plus five years unless the abuse was committed by a juvenile detainee/resident and applicable law requires a shorter period of retention.
 8. Departure of the alleged abuser or victim from the employment or control of the facility will not provide a basis for terminating an investigation.
 9. When an outside agency investigates sexual abuse, the facility will cooperate with the outside investigators and will remain informed about the progress of the investigation.

Criminal investigations

1. All allegations that are potentially criminal in nature shall be referred to LPD for investigation.
2. All staff shall fully cooperate with any investigation of alleged abuse, neglect, or exploitation. The Administrative staff will make a diligent effort to identify and make available for questioning all persons with knowledge of the alleged abuse that is the subject of the investigation.
3. The investigating entity will have access to all records and files as legally permissible, to include video records.
4. Space will be provided for the investigating entity to conduct interviews and to review records and files.
5. The investigating entity will be responsible for completing the criminal investigation consistent with their policies governing the conduct of such investigations and for referring any individual for criminal prosecution.
6. LRJDC/LYGH shall request that the LPD not terminate an investigation

- solely because the source of the allegation recants the allegation.
7. LRJDC/LYGH shall request the credibility of an alleged victim, suspect, or witness be assessed on an individual basis and not determined by the person's status as a detainee/resident or staff. Detainee/resident who alleges sexual abuse won't have to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such allegation.
 8. When the quality of evidence appears to support criminal prosecution, LRJDC/LYGH will request that the investigating entity consult with the City Attorney before conducting compelled interviews to determine if compelled interviews may be an obstacle for subsequent prosecution.
 9. Criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attach copies of all documentary evidence where feasible,
 10. Substantiated allegations of conduct that appear to be criminal will be referred for prosecution.
 11. The concluded report will be provided to the PREA Coordinator.
 12. Findings of the investigator
 - a. Substantiated Allegation – an allegation that was investigated and determined to have occurred.
 - b. Unfounded Allegation – an allegation that was investigated and determined not to have occurred.
 - c. Unsubstantiated Allegation – allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

B. Evidentiary standard for administrative investigations (115.372)

Only a preponderance of evidence is required to determine whether allegations of sexual abuse or sexual harassment are substantiated.